S.B.Civil Writ Petition NO.2454/2005

Hariprakash vs. Harinarain and ors.

DATE OF ORDER : - 27.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. MS Purohit, for the petitioner.

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Heard learned counsel for the petitioner and perused the impugned order dated 13.10.2004 by which the petitioner's application for being impleaded as party in the proceedings for eviction of tenant initiated by applicant/respondent was rejected by the Rent Tribunal, Bikaner.

According to learned counsel for the petitioner, the plaintiff submitted a suit for eviction against the same alleged tenant before the civil court and in that suit, the present petitioner submitted application for being impleaded as party under Order 1 Rule 10 CPC. The said application was rejected by the civil court in that proceedings. The plaintiff, after coming into force of the Rent Control Tribunal Act, 2001 withdrew his suit and submitted application before Rent Tribunal. The petitioner again submitted application for being impleaded as party before the Rent Tribunal and that has been rejected by the Tribunal.

According to learned counsel for the petitioner, the petitioner, in fact, is the tenant and he deposited the rent under Section 19A of the Rajasthan Premises (Control of Rent and Eviction) Act, 1950. It is also submitted that the plaintiff gave the address of alleged tenant of Uttar Pradesh. This also supported the contention of the petitioner that he is in fact tenant.

After going through the facts of the case, I do not find any merit in the writ petition and mere deposit of rent under Section 19A cannot create a right for claiming himself to be a tenant. The tribunal has passed the impugned order after considering all the submissions and this Court is not inclined to interfere in the same while exercising writ jurisdiction.

Accordingly this writ petition, having no merit, is hereby dismissed.

(Prakash Tatia), J.

s.phophaliya/-